

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Salvador Perez,

Plaintiff,

-against-

Healthy Choice Gourmet, Inc. et al.,

Defendants.

USDC SDNY
DOCUMENT
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DATE FILED: 11/23/2020

1:20-cv-05401 (SDA)

ORDER

STEWART D. AARON, UNITED STATES MAGISTRATE JUDGE:

This case contains claims under the Fair Labor Standards Act. On November 20, 2020 an Order was issued on the parties' consent referring disposition of this matter to the undersigned pursuant to 28 U.S.C. § 636(c). (ECF No. 13.) A settlement was reached by the parties during mediation. (ECF No. 12.) In light of the requirements of *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015), the parties must file a joint letter or motion that addresses whether the settlement is fair and reasonable.

Any such letter or motion shall be filed by Wednesday, December 23, 2020, and should address the claims and defenses, the defendants' potential monetary exposure and the bases for any such calculations, the strengths and weaknesses of the plaintiffs' case and the defendants' defenses, any other factors that justify the discrepancy between the potential value of plaintiffs' claims and the settlement amount, the litigation and negotiation process, as well as any other issues that might be pertinent to the question of whether the settlement is reasonable (for example, the collectability of any judgment if the case went to trial).

The joint letter or motion should also explain the attorney fee arrangement, attach a copy of the retainer agreement, and provide information as to actual attorney's hours expended and

the relevant experience of the attorney(s). Finally, a copy of the settlement agreement itself must accompany the joint letter or motion.

SO ORDERED.

DATED: New York, New York
 November 23, 2020

Stewart D. Aaron

STEWART D. AARON
United States Magistrate Judge